REMARKS

The Examiner objected to the drawings, alleging that "the various voice prompts such as different languages, different speakers etc. must be shown or the feature(s) canceled from the claim(s)." In response, Applicants have added FIG. 3, which is a table listing exemplary types of voice prompts in the database. The specification has been amended to describe FIG. 3. There is no new matter in FIG. 3 and the description thereof in the specification.

The Examiner objected to claims 1-8, alleging that "there appears to be typographical error in claim I (line 4): "complied code" needs to be changed to "compiled code."". In response, Applicants have amended claim 1 to change "complied code"to "compiled code".

The Examiner rejected claims 8 and 16 under 35 U.S.C. §112, second paragraph, alleging that "[t]he term "substantially" in claims 8 and 16 are a relative term, which renders the claim indefinite". In response, Applicants have amended claims 8 and 16 to clarify the invention.

The Examiner rejected claims 1-2 and 9-10 under 35 U.S.C. §102(b) as allegedly being anticipated by Osder et al. (US Patent 5,493,606).

The Examiner rejected claims 3-8 and 11-16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Osder (US Patent 5,493,606).

The Examiner rejected claims 1-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Price et al. (US Patent 6,718,017) in view of Schemers III et al. (US Pub. 2003/0083882).

Applicants respectfully traverse the §102 and §103 rejections with the following arguments.

In the Drawings:

Please add FIG. 3 of the drawings, submitted herewith.

35 U.S.C. §102(b): Claims 1-12 and 9-19

The Examiner rejected claims 1 and 9 under 35 U.S.C. §102(b) as allegedly being anticipated by Osder et al. (US Patent 5,493,606).

Claims 1-2

Applicants respectfully contend that Osder does not anticipate claim 1, because Osder does not teach each and every feature of claim 1.

As a first example of why Osder does not teach each and every feature of claim 1, Osder does not teach the following feature of claim 1: "an application program that provides call flow instructions"

The Examiner argues that Osder, col. 3, lines 5-15 teaches the preceding feature of claim 1.

In response, Applicants note that Osder, col. 3, lines 5-15 refers to the VU/PEP as teaching the preceding feature of claim 1. Applicants further note that Osder teaches in col. 1, line 38 - col. 2, line 32 that the VU/PEP suffers from many disadvantages and therefore should not be used. Accordingly, Osder, col. 3, lines 5-15 is not teaching use of an application program that provides call flow instructions.

As a second example of why Osder does not teach each and every feature of claim 1, Osder does not teach the following feature of claim 1: "a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application

program".

The Examiner argues that Osder, col. 27, lines 26-41 teaches the preceding feature of claim 1.

In response, Applicants note that Osder, col. 27, lines 26-41 is unrelated to the preceding feature of claim 1. Osder, col. 27, lines 26-41 most certainly does not teach a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application program.

As a third example of why Osder does not teach each and every feature of claim 1, Osder does not teach the following feature of claim 1: "an assignment table that assigns a value to the variable to provide an entry point to the database ... that contains a plurality of pre-recorded voice prompts".

The Examiner argues that Osder, col. 4, lines 20-25, 33-37 and col. 26, lines 8-22 teaches the preceding feature of claim 1.

In response, Applicants note that Osder, col. 4, lines 20-25, 33-37 and col. 26, lines 8-22 most certainly does not teach the preceding feature of claim 1. Applicants note that the cache tables 64 referred to in Osder, col. 26, lines 8-22 is not a database that contains a plurality of pre-recorded voice prompts, as required by claim 1.

In addition, the Examiner has improperly combined two references in a rejection under 35 U.S.C. §102(b), the first reference being the VU/PEP and the second reference being Osder's invention, as explained *infra* in Table 1.

Table 1

Feature of Claim 1	Reference Cited By Examiner That Allegedly Teaches the Feature
an application program that provides call flow instructions	VU/PEP
a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application program	Osder's invention
a programmable processor that executes the call flow instructions of the application program	Osder's invention
a database that contains a plurality of pre-recorded voice prompts	VU/PEP
an assignment table that assigns a value to the variable to provide an entry point to the database	Osder's invention

Applicants respectfully contend that the Examiner is not permitted to combine two references in a rejection under 35 U.S.C. §102(b).

Based on the preceding arguments, Applicants respectfully maintain that Osder does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claim 2 depends from claim 1, Applicants contend that claim 2 is likewise in condition for allowance.

Claims 9-10

The Examiner states: "Per claim 9, it is the method version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above. For the limitation "digitally encoded voice prompt," see Fig 3 and 4A."

In response, Applicants traverse the rejection of claim 9 based on Applicants' arguments presented *supra* in conjunction with claim 1 in relation to the rejection under 35 U.S.C. §102(b).

In addition, Applicants maintain that FIGS. 3 and 4A of Osder do not teach "digitally encoded voice prompt" as alleged by the Examiner.

Based on the preceding arguments, Applicants respectfully maintain that Osder does not anticipate claim 9, and that claim 9 is in condition for allowance. Since claim 10 depends from claim 9, Applicants contend that claim 10 is likewise in condition for allowance.

35 U.S.C. §103(a): Claims 3-8 and 11-16

The Examiner rejected claims 3-8 and 11-16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Osder (US Patent 5,493,606).

Since claims 3-8 depend from claim 1, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102 over Osder, Applicants maintain that claims 3-8 are not unpatentable under 35 U.S.C. §103(a) over Osder.

Since claims 11-16 depend from claim 9, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102 over Osder, Applicants maintain that claims 11-16 are not unpatentable under 35 U.S.C. §103(a) over Osder.

35 U.S.C. §103(a): Claims 1-16

The Examiner rejected claims 1-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Price et al. (US Patent 6,718,017) in view of Schemers III et al. (US Pub. 2003/0083882).

Claims 1-8

Applicants respectfully contend that claim 1 is not unpatentable over Price in view of Schemers, because Price in view of Schemers does not teach or suggest each and every feature of claim 1.

As a first example of why Price in view of Schemers does not teach or suggest each and every feature of claim 1, Price in view of Schemers does not teach or suggest the following feature of claim 1: "wherein a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application program"

The Examiner argues that "Price discloses ... wherein a call flow instruction that invokes a voice prompt provides a variable that can be read from outside complied code of the application program ("an IVR application which a customer company can call and utilize to develop their own individually tailored IVR application.., a fist IVR application is used to develop a new second IVR application... Thus a first IVR application would be used to control the functions of a second IVR application," col. 2 lines 20-37; "Voice prompts for an IVR application would be stored either in the non-volatile memory... or in the audio recorder/player," col. 5 lines 47-58)"

In response, Applicants respectfully contend that the preceding citations to Price by the

Examiner does not disclose the "variable" required by the preceding feature of claim 1.

As a second example of why Price in view of Schemers does not teach or suggest each and every feature of claim 1, Price in view of Schemers does not teach or suggest the following feature of claim 1: "a database that contains a plurality of pre-recorded voice prompts".

The Examiner argues that "Price discloses ... a database that contains a plurality of pre-recorded voice prompts ("the IVR application can be used to allow a caller to access prerecorded information," col. 1 lines 25-33)".

In response, Applicants respectfully contend that the preceding citations to Price by the Examiner does not disclose the "database" required by the preceding feature of claim 1.

In addition, the Examiner's citation to Price, col. 1, lines 25-33 relates not to Price's invention but rather to the prior art that preceded Price's invention. Thus, the Examiner has combined Price's invention with the prior art that preceded Price's invention, without providing a reason to support the combination. Accordingly, Applicants respectfully contend that the Examiner has not established a *prima fa cie* case of obviousness in relation to claim 1.

As a third example of why Price in view of Schemers does not teach or suggest each and every feature of claim 1, Price in view of Schemers does not teach or suggest the following feature of claim 1: "an assignment table that assigns a value to the variable to provide an entry point to the database".

The Examiner argues that "Schemers teaches it was known in the art of software development and configuration, at the time applicant's invention was made, to easily add new

elements to "a running system on-the-fly," (page 2 paragraph 0017) such as that disclosed in Schemers. It would have been obvious for one having ordinary skill in the art of computer software development and configuration to modify Prices' disclosed system to use an assignment table that assigns a value to the variable to provide an entry point to the database ("Tables... contain mappings used by the execution core... to determine the storage locations of the internal element code..., internal function code... and internal object code..., based on the referencing extension elements. Other element code... are stored in external element files," page 3 paragraph 0027). The modification would be obvious because one having ordinary skill in the art would be motivated to easily customize and maintain IVR systems without requiring extensive engineering development effort as suggested by Schemers (page 3 paragraph 0034)."

In response, Applicants respectfully contend that the preceding citations to Schemers by the Examiner does not disclose the "assignment table" required by the preceding feature of claim 1. There is in fact no disclosure of any "table" in the preceding citations to Schemers by the Examiner.

In addition, Applicants respectfully contend that the Examiner's argument for modifying Price by the alleged teaching of Schemers is not persuasive because Schemers, paragraph 0034 does not teach or suggest that an assignment table of the type required by claim 1 would enable one having ordinary skill in the art would be motivated to easily customize and maintain IVR systems without requiring extensive engineering development effort.

Based on the preceding arguments, Applicants respectfully maintain that claim 1 is not unpatentable over Price in view of Schemers, and that claim 1 is in condition for allowance.

Since claims 2-8 depend from claim 1, Applicants contend that claims 2-8 are likewise in condition for allowance.

Claims 9-16

The Examiner states: "Per claim 9, it is the method version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above. Price further discloses a digitally encoded voice prompt ("The audio recorder and player could comprise a separate processor and/or memory storage device which records voice prompts in a digital format. The audio recorder and player 58 might also be capable of reproducing voice prompts or audio sounds from the recorded digital signals," col. 4 lines 2-41)."

In response, Applicants traverse the rejection of claim 9 based on Applicants' arguments presented *supra* in conjunction with claim 1 in relation to the rejection under 35 U.S.C. §103(a).

Based on the preceding arguments, Applicants respectfully maintain that claim 9 is not unpatentable over Price in view of Schemers, and that claim 9 is in condition for allowance. Since claims 10-16 depend from claim 9, Applicants contend that claims 10-16 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

Date: 10/25/2004

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